

## Section 4

# Responses to State Agency Comments

This section contains the responses to comments submitted by state agencies.

## Utah Department of Environmental Quality

**Comment Number** SA-1-1

**Response** Section 4.21.3.10, *Water Quality*, in the Supplemental EIS addresses cumulative impacts on water quality resulting from development.

**Comment Number** SA-1-2

**Response** UDOT conducted groundwater modeling for the 2000 Final EIS and monitored the impacts of the road embankment on groundwater levels during the portion of construction that has been initiated. The results of these studies have been sent to UDEQ. The groundwater modeling conducted for the 2000 Final EIS (*Potential Impacts on Groundwater Flow: Addendum 2*, prepared by HDR Engineering, September 21, 1999) indicates that the maximum decrease in groundwater elevation would be less than 2.54 cm (1 inch) in areas where the fill is 2.74 m (9 ft) deep; most of the groundwater slope wetlands intercepted by Legacy Parkway are located in such areas. Furthermore, the Forster and Neff study (*Progress Report #2. Legacy Parkway Hydrologic Studies for Drainage Design*, prepared by C. Forster and M. Neff, 2002) preliminarily concluded: “The groundwater moving from the deeper aquifers is the principal source of water supplying wetlands near, and west of, the highway right-of-way.”

UDOT will continue to monitor the impacts of road fill on groundwater during the next construction phase. If necessary, based on the results of the monitoring, UDOT will consider installation of additional groundwater conveyance structures to minimize impacts on groundwater flow.

**Comment Number** SA-1-3

**Response** Section 4.11.2.1, *Federal Permits and Clearances*, of the Final Supplemental EIS has been revised to include the requirement for plans and specifications for BMPs and vegetated strips and swales in the discussion of the general construction stormwater permit.

**Comment Number** SA-1-4

**Response** The text of Section 4.11, *Permits and Clearances*, of the Final Supplemental EIS has been revised to reflect UDOT’s commitment to maintain current BMPs for stormwater treatment facilities.

## **Utah Governor's Office of Planning and Budget**

**Comment Number** SA-2-1

**Response** The specific impacts that would occur on the Legacy Nature Preserve with implementation of Legacy Parkway are described in the *Analysis of the Adequacy of Wetlands and Wildlife Mitigation*, which is included as Appendix E of the Final Supplemental EIS.

**Comment Number** SA-2-2

**Response** Section 4.12.3.4, *Mitigation Measures*, and Appendix E, *Analysis of the Adequacy of Wetlands and Wildlife Mitigation*, of the Final Supplemental EIS describe the adequacy of the Legacy Nature Preserve to offset impacts on wetlands associated with Alternative E (Supplemental EIS Preferred Alternative). This analysis includes an assessment of the acreage and wetland functions that would be lost under Alternative E relative to those that would be gained by the Legacy Nature Preserve. Table 4.12-6 of the Final Supplemental EIS summarizes this analysis.

**Comment Number** SA-2-3

**Response** Table 3-2 and Figures 4a and 4b in Appendix E, *Analysis of the Adequacy of Wetlands and Wildlife Mitigation*, of the Final Supplemental EIS show the progressive change in habitat availability with rising lake level. The 4,212-ft elevation line defines the boundary between Inundation Zones 3 and 4.

**Comment Number** SA-2-4

**Response** UDWR's comments on the third and final internal review draft of the wildlife technical memorandum have been reviewed to ensure that all of those comments have been addressed in the wildlife technical memorandum and/or the Final Supplemental EIS. The majority of the UDWR comments were addressed in the Draft Supplemental EIS; changes have been made to Chapter 4.13, *Wildlife*, of the Final Supplemental EIS to address outstanding comments.

**Comment Number** SA-2-5

**Response** As described in Section 4.13.3.4, *Mitigation Measures*, of the Supplemental EIS, UDOT has committed to funding a study to determine the effects of highway noise on bird populations in the project area and comparable habitats, which would likely include the Farmington Bay Waterfowl Management Area. The study, which is being collaboratively designed by the federal lead agencies, UDOT, USFWS, and UDWR, will include the monitoring of bird populations and noise before, during, and after construction of Legacy Parkway. The results of the monitoring will be used to develop a tool for the analysis of noise impacts on wildlife for future projects. A statement of commitment outlining the specifics of the noise study is included in Appendix H, *Statement of Commitment*, of the Final Supplemental EIS.

**Comment Number** SA-2-6

**Response** On June 29, 2005, representatives from FHWA, UDOT, UDWR, and USFWS conducted a field review of the eastern boundary of the FBWMA and the proposed Legacy Parkway alignments. In the area of concern, the proposed alignments of Alternatives A and E are located adjacent to the UPRR and I-15 corridor, and are neither within nor immediately adjacent to the FBWMA. Therefore, impacts on the

FBWMA under these alternatives would be avoided and minimized to the maximum extent possible. Alternatives B and C would have direct impacts on the eastern entrance of the FBWMA.

The same group also reviewed the USFWS September 13, 2000, letter to the Corps, which outlines the UDOT agreement to purchase 317 additional acres adjacent to the FBWMA to buffer the FBWMA from future development. As indicated in the adopted mitigation in FHWA and the Corps' previous RODs on the 2000 Final EIS, part of the impetus for the location of the 317 acres of additional mitigation was to buffer FBWMA from future development, although neither USFWS, UDOT, nor FHWA had specifically indicated that to UDWR. As a result of the field review and the additional information on the extent of the mitigation lands, UDWR agreed that the recreation impacts would be sufficiently reduced such that monitoring would not be warranted.

**Comment Number** SA-2-7

**Response** The parcel indicated by the commenter has been included in Figure 5-1 and other applicable maps in the Final Supplemental EIS. Acreage calculations have been reviewed and updated as necessary to include the parcel. See Section 5.5, *Use of Section 4(f) and 6(f) Properties*, of the Final Supplemental EIS for a description of potential impacts on this parcel.

**Comment Number** SA-2-8

**Response** The commenter suggested that the federal lead agencies consider implementing a 5- to 10-year monitoring program to document indirect impacts on wildlife, including impacts associated with noise, habitat fragmentation, water quality, and air quality. UDOT is currently working with USFWS and UDWR to initiate long-term studies of the effects of noise on wildlife in the study area. See the responses to comments SA-2-5 and NG-7-47, as well as the wildlife technical memorandum, for a discussion of the noise monitoring studies.

Long-term monitoring is not proposed for wildlife impacts resulting from habitat fragmentation or changes in water or air quality that would be associated with implementation of the proposed build alternatives. These effects are summarized in 4.13.3.3, *Habitat Fragmentation*, 4.13.3.4, *Air Quality*, and 4.13.3.5, *Water Quality*, of the Final Supplemental EIS and are described in detail in Chapter 3 of the wildlife technical memorandum.

**Comment Number** SA-2-9

**Response** Section 4.12.1.3, *Regulatory Update*, of the Final Supplemental EIS has been revised to correct the information regarding the origin and flow of the Bear River.

**Comment Number** SA-2-10

**Response** Section 4.13.3.14, *Mitigation Measures*, of the Final Supplemental EIS has been revised to clarify that the Legacy Nature Preserve would mitigate project-specific impacts on wildlife rather than historic or future impacts.

**Comment Number** SA-2-11

**Response** The text in the Final Supplemental EIS has been modified in accordance with the commenter's suggestion.

**Comment Number** SA-2-12

**Response** Section 4.13.3.2 has been revised to include an expanded analysis of the impacts of Legacy Parkway on upland wetlands.

**Comment Number** SA-2-13

**Response** As discussed in Section 5.5.1, *Recreation, Wildlife, and Waterfowl Refuge Resources*, which describes the potential 4(f) impacts on the Bountiful City Pond property, modifications have been incorporated into the final design of all build alternatives to avoid direct use of the pond. Modifications include construction of a retaining wall to avoid any fill in the pond and associated wetlands.

**Comment Number** SA-2-14

**Response** The additional impacts on the Jordan River OHV Center that would occur with implementation of Alternative B are described in Section 4.3.5 of the Final EIS and in Section 5.5.1, *Recreation, Wildlife, and Waterfowl Refuge Resources*, of the Supplemental EIS. Division of State Parks' concern about the Jordan River OHV Center is noted. The lead agencies considered the impacts on the Jordan River OHV Center when determining the preferred alternative.

UDOT and the lead agencies are aware of the drainage issues pertaining to the southern interchange and the Jordan River OHV Center and will ensure that runoff from the interchange does not drain onto the OHV Center.

**Comment Number** SA-2-15

**Response** If Legacy Parkway were implemented, UDOT would coordinate with Utah Division of Air Quality to minimize fugitive dust during construction. As stated in Section 4.11.2.2, *State Permits and Clearances*, UDOT is required to prepare a fugitive dust control plan and to obtain an air quality approval order from Utah Division of Air Quality for the construction activities.

## **Utah House of Representatives**

**Comment Number** SA-3-1

**Response** It is acknowledged that the State of Utah House of Representatives passed a resolution in support of the Legacy Parkway project.

## **Utah State Senate**

**Comment Number** SA-4-1

**Response** It is acknowledged that the Utah State Senate passed a resolution in support of the Legacy Parkway project.

## **Representative, 19th District**

**Comment Number** SA-5-1

**Response** Representative Sheryl L. Allen's support for the Legacy Parkway project is noted.